

REMARKS

Response to Advisory Action

Applicants appreciate the reopening of prosecution in the present application, and acknowledge the entry of the amendments to the claims as presented in the supplement amendment filed July 6, 2007.

Rejection in view of Halasa

Claim 1 stands rejected under 35 U.S.C. § 103 over Halasa.

In the office actions, it is held that Halasa's singular example of 2,3-difluorobutane meets Applicants recitation of an HFC diluent in the claimed polymerization process. In the present application, the HFC is recited as being the diluent for the polymerization process. Halasa discloses that the diluent for his polymerization process should be a hydrocarbon solvent – either a saturated aliphatic or cycloaliphatic compound (col 5, lines 48-60). In all of the examples provided, toluene serves as the diluent for the polymerization – not any HFC. Halasa fails miserably in teaching the use of HFC's as a diluent for any polymerization process.

In the present rejection, it is held that a polymerization temperature of less than zero degrees C would be obvious and one skilled in the art would be so motivated to use such lower temperatures. Applicants respectfully disagree. For all of the examples provided, Halasa discloses a polymerization temperature greater than 0° C, and the claims are also directed to temperatures greater than 5° C.

It is requested that this rejection be reconsidered and withdrawn.

Nonstatutory Obviousness Type Double Patenting

A. All pending claims stand provisionally rejected over the claims of copending Application No. 10/539,013.

As previously argued by Applicants, the claims in Application No. 10/539,013 are an improvement over the instant claims. Thus, if a determination must be made between the two pending applications as to which is the dominate application - the present application has been identified by Applicant as such, and the present case should be allowed to go to grant once the

remaining other rejections are resolved. As the rejection over Halasa and US 7,232,872 have been addressed, it is requested that this rejection also be reconsidered and withdrawn.

B. All pending claims stand rejected on the grounds of nonstatutory obviousness type double patenting over US 7,232,872.

Enclosed herewith, please find a terminal disclaimer filed to disclaim any portion of a patent that may issue from the present application beyond the expiration date of the co-owned US 7,232,872.

It is respectfully requested that this rejection be reconsidered and withdrawn.

In view of the above amendments and remarks it is respectfully submitted that this application is in condition for allowance. Prompt notice of such is respectfully solicited.

Please charge any deficiency in fees or credit any overpayments during the entire pendency of this case to Deposit Account No. 05-1712.

Applicants invite the Examiner to telephone the undersigned attorney, if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

October 10, 2007
Date:

/Nancy T. Krawczyk/
Nancy T. Krawczyk
Registration No. 38,744
Attorney for Applicant

ExxonMobil Chemical Company
Law Technology Department
P.O. Box 2149
Baytown, Texas 77522-2149
Telephone No. 281-834-2429
Facsimile No. 281-834-2495